IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Misc. Civil Application No. 1164 of 2007
IN
Writ Petition No.2327 of 2007 [decided]
[Vrashabh Prasad Jain Vs. Visitor through Union of India & others]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. R.C. Mishra, Advocate for the petitioner.

CORAM : A.H. JOSHI AND
R.C.CHAVAN, JJ.

DATE : 23rd November,2007.

1. The above Misc. Civil Application was circulated before this Bench, which was specially constituted considering that this is an application for review of the order passed by us.

2. The introducing paras of the petition are argumentative, addressing the Court as to what is its duty towards paramount function of Administration of Justice and petitioner's right under Article 21 of the Constitution of India. The language used in the Review Application is such that it reflects anger and anguish against

the Judgment, rather than to fit into the settled canons, grounds of review and the statutory requirement under Order 47 of Civil Procedure Code.

3. We called upon the learned Advocate for the petitioner to pinpoint and demonstrate from the Memo of Review Petition, particularly the grounds as to:-

[a] fraud played on the Court, which is suggested to be a ground of review, as has to be inferred from the contents of first paragraph of the petition as a general principle,

[b] error apparent on the face of record as to any factual matter which was borne on record, or

[c] any other ground available for review.

4. In response, learned Advocate for the petitioner urged that he has a role of a lawyer, educator and teacher, and would like to teach the Court the settled principles of law as to fraud and constitutional doctrine governing Principles of Justice by which this Court was bound.

5. However, learned Advocate declined to

point to or read out the averments contained in the Review Application, which, according to him, constitute the grounds of review, and he urged that the entire Memo of Review Application, supported by contents of the Writ Petition and annexures thereto, do constitute grounds of review.

6. We have, therefore, perused the contents of Review Application.

7. We find that the petition is divided into [1] adjectives and general address on Doctrines of Justice, [2] general principles of review, and [3] grounds urging that the decision rendered by this Court, while dismissing the Writ Petition, are perverse and erroneous due to wrong appreciation of record and being misguided by wrong affidavits drafted on wrong interpretation of the rules and practice.

8. We see that the challenges incorporated by the petitioner, are all worded in the language of grounds which could be raised in a higher forum, and are not conforming to the grounds as available under Order 47, Civil Procedure Code, and hence, are beyond the cognizance of the Court hearing the Review.

9. In the result, we find that the petitioner has failed to fit his case within the parameters of Order 47, Civil Procedure Code, or

general principles of review.

10. We, therefore, dismiss Review Petition with costs.

Judge **Judge**

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